

House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 5

HOUSE BILL 2023

AN ACT

AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO BALLOT ABUSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-1005, Arizona Revised Statutes, is amended to
3 read:

4 16-1005. Ballot abuse; violation; classification

5 A. Any person who knowingly marks a voted or unvoted ballot or ballot
6 envelope with the intent to fix an election for ~~his~~ THAT PERSON'S own benefit
7 or for that of another person is guilty of a class 5 felony.

8 B. It is unlawful to offer or provide any consideration to acquire a
9 voted or unvoted early ballot. A person who violates this subsection is
10 guilty of a class 5 felony.

11 C. It is unlawful to receive or agree to receive any consideration in
12 exchange for a voted or unvoted ballot. A person who violates this
13 subsection is guilty of a class 5 felony.

14 D. It is unlawful to possess a voted or unvoted ballot with the intent
15 to sell the voted or unvoted ballot of another person. A person who violates
16 this subsection is guilty of a class 5 felony.

17 E. A person or entity that knowingly solicits the collection of voted
18 or unvoted ballots by misrepresenting itself as an election official or as an
19 official ballot repository or is found to be serving as a ballot drop off
20 site, other than those established and staffed by election officials, is
21 guilty of a class 5 felony.

22 F. A person who knowingly collects voted or unvoted ballots and WHO
23 does not turn those ballots in to an election official, the United States
24 postal service or any other entity permitted by law to transmit post is
25 guilty of a class 5 felony.

26 G. A person who engages or participates in a pattern of ballot fraud
27 is guilty of a class 4 felony. For the purposes of this subsection, "pattern
28 of ballot fraud" means the person has offered or provided any consideration
29 to three or more persons to acquire the voted or unvoted ballot of a person.

30 H. A PERSON WHO KNOWINGLY COLLECTS VOTED OR UNVOTED EARLY BALLOTS FROM
31 ANOTHER PERSON IS GUILTY OF A CLASS 6 FELONY. AN ELECTION OFFICIAL, A UNITED
32 STATES POSTAL SERVICE WORKER OR ANY OTHER PERSON WHO IS ALLOWED BY LAW TO
33 TRANSMIT UNITED STATES MAIL IS DEEMED NOT TO HAVE COLLECTED AN EARLY BALLOT
34 IF THE OFFICIAL, WORKER OR OTHER PERSON IS ENGAGED IN OFFICIAL DUTIES.

35 I. SUBSECTION H OF THIS SECTION DOES NOT APPLY TO:

36 1. AN ELECTION HELD BY A SPECIAL TAXING DISTRICT FORMED PURSUANT TO
37 TITLE 48 FOR THE PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL
38 LANDS OR CROPS AND THAT IS AUTHORIZED TO CONDUCT ELECTIONS PURSUANT TO
39 TITLE 48.

40 2. A FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER OF THE VOTER. FOR
41 THE PURPOSES OF THIS PARAGRAPH:

1 (a) "CAREGIVER" MEANS A PERSON WHO PROVIDES MEDICAL OR HEALTH CARE
2 ASSISTANCE TO THE VOTER IN A RESIDENCE, NURSING CARE INSTITUTION, HOSPICE
3 FACILITY, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING
4 HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT
5 FOSTER CARE HOME.

6 (b) "COLLECTS" MEANS TO GAIN POSSESSION OR CONTROL OF AN EARLY BALLOT.

7 (c) "FAMILY MEMBER" MEANS A PERSON WHO IS RELATED TO THE VOTER BY
8 BLOOD, MARRIAGE, ADOPTION OR LEGAL GUARDIANSHIP.

9 (d) "HOUSEHOLD MEMBER" MEANS A PERSON WHO RESIDES AT THE SAME
10 RESIDENCE AS THE VOTER.

PASSED BY THE HOUSE FEBRUARY 4, 2016.

PASSED BY THE SENATE MARCH 9, 2016.

APPROVED BY THE GOVERNOR MARCH 9, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 9, 2016.

Passed the House February 4, 2016

by the following vote: 34 Ayes,

23 Nays, 3 Not Voting

[Signature]
Speaker of the House

☒ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 9, 2016

by the following vote: 17 Ayes,

12 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

9th day of March, 20 16

at 3:57 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 9th day of

March

at 4:18 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 9 day of March, 20 16

at 4:45 o'clock P. M.

[Signature]
Secretary of State

H.B. 2023